

Appl. No. 09/857,029  
Amdt. Dated December 8, 2004  
Reply to Office action of September 14, 2004  
Attorney Docket No. P11034-US1  
EUS/J/P/04-2180

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicant has cancelled claims 2 and 7, added claim 8, and amended claims 1 and 3-6 to more particularly point out and distinctly claim the subject matter that Applicant regards as an invention; no new matter has been added. Claims 1, 3-6 and 8 are now pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Examiner Objections - Claims**

The Examiner objected to claim 4 as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Applicant has amended claim 4 to clarify that the presence of a UBR or CBR connection is determined only after the determination of the number of data cells in each of a plurality of data packets, which further limits the scope of claim 1, which can classify the connection after only determining the number of data cells in one received packet.

The Examiner also objected to claims 2-7 because of certain informalities, for which the Examiner suggested corrections. The Applicant has amended claims 2-6<sup>1</sup> substantially as suggested by the Examiner, with minor modifications.<sup>2</sup> The Examiner's consideration of the amended claims is respectfully requested.

#### **3.) Claim Rejections - 35 U.S.C. §112**

The Examiner rejected claims 1-7 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, noting certain phrases in independent claims 1 and 7. The Applicant has amended those claims to remove the noted phrases/terms, and to clarify the subject matter of the claimed invention. The Examiner's consideration of the amended claims is respectfully requested.

<sup>1</sup> Claim 2 has been cancelled, but the claim limitations have been added to claim 1. Claim 7 has also been cancelled.

<sup>2</sup> The Examiner objected to the use of the term "relatively" in claims 6 and 7. The Applicant notes, however, that that term is not used in those, or any other, claims.

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#### 4.) Claim Rejections – 35 U.S.C. §103(a)

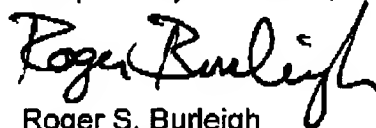
The Examiner rejected claims 1, 3, 6 and 7 as being unpatentable over Moritomo (US 5,581,545) in view of Aida (US 6,212,163 B1). The Examiner did not, however, reject claim 2 as being unpatentable over those references. The Applicant has amended claim 1 to include the limitations of claim 2 and, therefore, claim 1 is now allowable over the cited references.<sup>3</sup> Claim 8, added herein, includes similar limitations and, thus, is also allowable. Furthermore, whereas claims 3-6 are dependent from claim 1, and include the limitations thereof, those claims are also now allowable.

#### CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 3-6 and 8.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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<sup>3</sup> The Examiner's objections as to informalities in claim 2 were corrected in combination with amending claim 1 to include the limitations thereof.